



October 11, 2017

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2642-So., Ag Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-17-0024

RE: Certification, Accreditation, and Compliance Subcommittee – Eliminating the Incentive to Convert Native Ecosystems to Organic Production (Proposal)

Dear Ms. Arsenault:

Thank you for this opportunity to provide comment on the Certification, Accreditation, and Compliance Subcommittee's (CACS) proposal on eliminating the incentive to convert native ecosystems to organic production.

The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing over 9,500 organic businesses across 50 states. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's mission is to promote and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

Position

The Organic Trade Association supports CACS's proposal that would prevent land newly converted from native ecosystems to enter into organic production for a period of 10 years. We agree with the subcommittee that converting native ecosystems directly to organic production does not align with organic production principles, and a disincentive is required to prevent this practice. CACS's proposed timeline of 10 years provides an adequate disincentive, without completely shutting new land out of organic production, and we appreciate the clarification that this proposal would not affect land used under the wild-crop standard. However, we believe that additional work is needed by CACS on this proposal to address concerns that our membership has brought forward:

- Definitions are needed for "cropping" and "grazing" to ensure consistent application of this proposed regulation. Additionally a definition for "native ecosystem" is needed to ensure these types of habitat are protected.
- Grazing has occurred on vast areas of native ecosystems across the West through Forest Service grazing permits. Has CACS considered how this practice intersects with its goal of eliminating the incentive to convert native ecosystems to organic production?
- Small dairies in the Northeast often also manage woodlots on their operation, which may be considered native ecosystems. Under this proposal, it appears as these operations would be prohibited from converting woodlots to pasture to expand herds and remain compliant with the organic pasture requirements. OTA suggests CACS consider this scenario and revise its proposal

to allow for more flexibility, so that organic producers can manage their land resources to accommodate expansion of their operations.

Data Collection

CACS requested input from Accredited Certifying Agents (ACA) on how much land would have been affected should this proposal have become rule prior to 2016. We agree that it is important to have data on how a particular proposal will affect the overall industry, and gathering this data from ACAs will be helpful. We would also encourage NOSB to suggest questions to USDA's National Agricultural Statistics Service (NASS) that could be included in the next organic producer survey to shed light on how much land is converted from native ecosystems to organic production. For example, the following questions could be added to NASS' Organic Producer Survey under questions related to Operation Characteristics:

- Over the past 5 years, how many acres were converted to organic from land that had never been farmed before (i.e. native ecosystems)?
- Over the next 5 years, how many acres do you anticipate will be converted to organic from land that has never been farmed before (i.e. native ecosystems)?

Having solid data included in NASS surveys will lay the necessary groundwork for National Organic Program (NOP) rulemaking as suggested by CACS in its proposal.

Conclusion

Overall, the Organic Trade Association supports the overall goal of CACS's recommendation on how to eliminate incentives to convert native ecosystems to organic production, and we believe a 10-year waiting time is an adequate disincentive. However, additional clarification is needed on defined terms, and CACS should consider whether exempting land that was previously grazed adequately protects native ecosystems across the West and how to better provide flexibility to producers looking to expand pastures. Eliminating the incentive to convert native habitats is a noble goal, and one that aligns with organic production principles. OTA supports this goal, but we believe additional refinement is needed before passing a formal recommendation.

On behalf of our members across the supply chain and the country, the Organic Trade Association thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,



Nathaniel Lewis
Farm Policy Director
Organic Trade Association

cc: Laura Batcha
Executive Director/CEO
Organic Trade Association